

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EMERITA FERNANDEZ

Plaintiff

v.

FIESTA MART, LLC d/b/a
FIESTA MART, NO. 37 a/k/a FIESTA

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 4:21-cv-2998

JOINT STATUS REPORT

COME NOW, Plaintiff Emerita Fernandez and Defendant Fiesta Mart, LLC and file this Joint Status Report as previously directed by the Court. Since the last report, the following activity has taken place:

- (1) Plaintiff disclosed that she has no pre-existing injuries or conditions for the body parts injured in this accident;
- (2) Plaintiff has produced handwritten notes taken by an assistant manager who spoke with her shortly after the accident;
- (3) Defendant has confirmed that it does not have any surveillance video of the accident;
- (4) Plaintiff was deposed on February 2, 2022.

Subject to the Court's approval, the Parties respectfully request permission to:

- (1) Issue fifteen requests for production on each side;
- (2) Schedule mediation with a mutually agreeable mediator with mediation to be scheduled within 30 days and to take place within the next 90 days. Previous informal negotiations were not productive;
- (3) The Parties to report back to the Court regarding the outcome of the mediation within seven days. If mediation is unsuccessful, the Parties to recommend to the Court which additional depositions should be taken on each side.

Respectfully Submitted,

THE BAIRD LAW FIRM

/s/ Kenneth R. Baird, Esq._____
Kenneth R. Baird
Texas Bar No. 24036172
2323 South Voss Road, Suite 325
Houston, Texas 77057
(713) 783-1113
(281) 677-4227 (facsimile)
bairdlawfirm@hotmail.com
COUNSEL FOR PLAINTIFF EMERITA
FERNANDEZ

--- AND ---

FEE, SMITH, SHARP & VITULLO, LLP

/s/ Jeff C. Wright***_____
Texas Bar No. 24008306
Southern Admission No. 732554
Three Galleria Tower
13155 Noel Road, Suite 1000
Dallas, Texas 75240
jwright@feesmith.com
COUNSEL FOR DEFENDANT FIESTA
MART
*** Signed by Kenneth R. Baird With
Permission

CERTIFICATE OF SERVICE

Pursuant to Rule 5 of the Local Rules of the Southern District of Texas, I, the undersigned counsel of record for Plaintiff Emerita Fernandez, certify that a true and correct copy of the foregoing document was served on the following counsel of record via the method of service identified below on this the February 18, 2021.

Via Electronic Filing & Facsimile: (972) 934-9200

Mr. Jeff C. Wright
Mr. Micah Chambers
Fee, Smith, Sharp & Vitullo, LLPC
Three Galleria Tower
13155 Noel Road, Suite 1000
Dallas, Texas 752040
Counsel for Defendant

/s/ Kenneth R. Baird, Esq.
Kenneth R. Baird